

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KRZYSZTOF F. WOLINSKI,
Petitioner,
v.
GENA JONES, et al.,
Respondent.

No. 2:23-cv-0383 DAD DB P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner complains that respondents are denying him Halal meals in violation of his First Amendment rights to freedom of religion. For relief, petitioner seeks an order requiring respondents to provide those meals.

On screening, this court found petitioner's claims are not cognizable in a federal habeas case and must be raised, if at all, in a civil rights case under 42 U.S.C. § 1983. (See Mar. 21, 2023 Order and Findings and Recommendations. (ECF No. 6).) This court recommended that the petition be dismissed without prejudice to its renewal as a civil rights case.

Also on March 21, this court addressed petitioner's concern that documents sent to him by the Clerk of the Court after he filed his petition indicated the Clerk was treating his case as a civil rights action under 42 U.S.C. § 1983. This court informed petitioner that when he filed this case, the Clerk properly treated it as a habeas corpus case.

1 On March 16, petitioner placed in the mail¹ a document in which he asks for an extension
2 of time and library access to research his concerns about the categorization of his case by the
3 Clerk. The March 21 order addresses those concerns so petitioner's requests will be dismissed as
4 moot.

5 For the foregoing reasons, IT IS HEREBY ORDERED that petitioner's motions for an
6 extension of time and for library access (ECF No. 7) are dismissed as moot.

7 Dated: April 12, 2023

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11 DEBORAH BARNES
12 UNITED STATES MAGISTRATE JUDGE
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28 ¹ The document was received and filed in this court on March 23.